

**UNITED STATES BANKRUPTCY COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**  
Jacob Weinberger United States Courthouse  
325 West "F" Street  
San Diego, California 92101-6991

**INSTRUCTIONS TO UNREPRESENTED DEBTORS**  
**REGARDING THE REAFFIRMATION OF A DEBT**

These instructions are intended only for individual debtors who represent themselves. Debtors who are represented by an attorney should consult with their attorney if they intend to reaffirm a debt.

You may decide to reaffirm a debt that may be discharged in your bankruptcy. **YOU ARE UNDER NO OBLIGATION TO REAFFIRM ANY DEBT.** A reaffirmation of a debt means that you promise to pay the creditor under the terms of a new agreement, despite the fact that the debt might be discharged in your bankruptcy as permitted by 11 U.S.C. § 727.

The Court will approve a reaffirmation agreement only if the agreement has been made in writing before you receive your discharge in bankruptcy and the Court finds that the agreement is in your best interest and does not impose an undue hardship on you and your family.

Ordinarily, your discharge should enter shortly after the expiration of the last day for creditors to object to the granting of your discharge under 11 U.S.C. § 727. Therefore, if you want to reaffirm a debt, **you must follow the procedures stated in these instructions before the expiration of the last date for your creditors to object.** The last date for creditors to object to the granting of your discharge is set forth in the NOTICE OF MEETING OF CREDITORS previously mailed to you.

In order to reaffirm a debt, you must take certain actions, file certain forms with the Court, and obtain Court approval of the reaffirmation agreement. If you choose to reaffirm a debt, you must take the following steps:

1. Immediately obtain a hearing date and time for the hearing on the reaffirmation agreement. You can do this by contacting the courtroom deputy for the judge assigned to your bankruptcy case. To determine which deputy to call, you must look at your bankruptcy case number. If the number ends in:

- (a) M7 - call (619) 557-6019 - DEPARTMENT ONE (Room 218)
- (b) A7 - call (619) 557-6594 - DEPARTMENT TWO (Room 118)
- (c) H7 - call (619) 557-6018 - DEPARTMENT THREE (Room 129)
- (d) B7 - call (619) 557-5157 - DEPARTMENT FOUR (Room 328)

2. The deputy will give you a hearing date, time, and department number. Insert this information on the form, NOTICE OF HEARING ON AGREEMENT TO REAFFIRM A DEBT (CSD 1231), which accompanies these instructions. If you have more than one reaffirmation agreement, you may schedule the hearings for approval of those agreements at the same date and time, but a separate notice and agreement must be filed for each.

3. Obtain an agreement in writing from the creditor whose debt you are reaffirming.

4. Type or print the name and complete address of the creditor whose debt you are reaffirming and the name and address of your trustee on the form. Your trustee's name and address appears on the NOTICE OF MEETING OF CREDITORS.

5. At least twenty-eight (28) days before the date of the hearing, you must mail a copy of Local Form CSD 1231, NOTICE OF HEARING ON AGREEMENT TO REAFFIRM A DEBT, together with a copy of Local Form 1229, REAFFIRMATION AGREEMENT, to (1) the creditor whose debt you are reaffirming, (2) your trustee and (3) the United States Trustee. You may make duplicate copies of the notice for this purpose. Be sure to complete the DECLARATION OF SERVICE BY MAIL at the bottom of the NOTICE OF HEARING.

**6. You MUST file the original and one copy of the NOTICE OF HEARING and the REAFFIRMATION AGREEMENT with the Clerk of this Court at least 28 days before the date of the hearing.**

YOU MUST BE PRESENT AT THE REAFFIRMATION HEARING AND THE COURT MUST APPROVE THE REAFFIRMATION AGREEMENT IN ORDER FOR IT TO BE EFFECTIVE.

YOU MAY CANCEL OR RESCIND THE AGREEMENT AT ANY TIME BEFORE YOUR DISCHARGE IS GRANTED OR WITHIN 60 DAYS AFTER YOU FILE THE REAFFIRMATION AGREEMENT WITH THE COURT, WHICHEVER OCCURS LATER, BY GIVING A NOTICE OF RESCISSION TO THE CREDITOR WHOSE DEBT WAS REAFFIRMED. YOU SHOULD GIVE THE NOTICE OF RESCISSION IN WRITING AND FILE A COPY WITH THE BANKRUPTCY COURT.

Court personnel are prohibited from giving you legal advice. 28 U.S.C. § 955. If you have any questions concerning these procedures, you should consult an attorney.